

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Sean Quigley,	:	
	:	
Petitioner	:	Case No. 2:13-cv-0965
	:	
v.	:	Judge Marbley
	:	
Tim Buchanan, Warden,	:	Magistrate Judge Abel
	:	
Respondent	:	

Order

Petitioner Sean Quigley, a prisoner at the Noble Correctional Institution, brings this action for writ of habeas corpus under 28 U.S.C. §2254. This matter is before the Court on the Magistrate Judge's November 25, 2013 Report and Recommendation that this case be transferred to the Northern District of Ohio. No objections have been filed to the Report and Recommendation.

The petition alleges that on September 2, 2010 petitioner Quigley was convicted of burglary in the Court of Common Pleas for Cuyahoga County, Ohio. On December 16, 2010, he was sentenced to a term of two years in prison. Quigley maintains he did not plead guilty to burglary.

Cuyahoga County is within Ohio's northern federal judicial district. Because petitioner challenges the conviction of a state court within the Northern District of Ohio but is in custody in the Southern District of Ohio, both districts have concurrent jurisdiction over the action. 28 U.S.C. §2241(d).

Upon *de novo* review, the Court determines that a transfer to the Northern District is appropriate in this case because it is the more convenient forum and the evidence is more readily accessible in the district where petitioner was convicted. *See, Bell v. Watkins*, 692 F.2d 999, 1013 (5th Cir. 1982), *cert. denied*, 464 U.S. 843 (1983); *see also, Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 497 n.13 (1973).

Accordingly, the Court ADOPTS Magistrate Judge Abel's November 25, 2013 Report and Recommendation and hereby TRANSFERS this action to the United States District Court for the Northern District of Ohio at Cleveland.

s/Algenon L. Marbley
Algenon L. Marbley, Judge
United States District Court